

REMARKS

This Amendment is responsive to the Examiner's Office Action of June 3, 2005. In such Action, the Examiner rejected claims 12, 13, 16, 18, 21, 22, 24-26, 36 and 38-40 under 35 U.S.C. 102(e) as allegedly being anticipated by Ludwig. Claims 1, 7, 10, 15, 17, 32-35, 37 and 41 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ludwig in view of Davis. Claims 5 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ludwig in view of Davis and further in view of Thomas. Claim 14 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ludwig in view of Thomas. Applicant respectfully traverses the Examiner's rejection of the claims and offers the foregoing amendments and following remarks in support thereof.

Claims 1, 5, 7, 10, 12-18, 21, 22, 24-26, 32, 33, 35 and 41 have been amended. Claims 42-58 have been added. Claims 2-4, 6, 8-9, 11, 19-20, 23, 27-31, 34, 37-39 have been canceled without prejudice by this amendment or previous amendment. No new matter has been inserted. Claims 1, 5, 7, 10, 12-18, 21, 22, 24-26, 32, 33, 35, 36, 40 and 41 remain pending in the application. Applicant respectfully requests reconsideration of the Examiner's rejections.

Ludwig fails to disclose a live two way audio and two way video conference conducted over the Internet. Ludwig requires a LAN and WAN computer configuration which is a private computer network of an organization for communicating and conferences between members of the organization. Ludwig does not provide conferencing over a public network like the Internet. As Applicant's claimed invention is conducted over the publicly accessible Internet, invited participating individuals are provided with sign-in information which permits them to access the specific live study. In certain dependent claims the sign-in information is listed to comprise a user id and password. The live study is secured and only accessible to the individuals having proper sign-in information. Thus, though held on the public Internet, non-authorized individuals cannot access the ongoing live study.

Ludwig does not require the participants to sign-in in order to participate. Rather, the leader for the conference merely selects the participants from his computer rolodex.

As Ludwig is a LAN/WAN network, the participants are from the same organization and have a prior association with each other prior to the conference. As claimed by Applicant, the participating individuals are not required to have had and most likely do not have any prior contact or association with the other participating individuals and moderator.

Ludwig also fails to disclose Applicant's claimed "client" feature which permits the client whose company is associated with the subject matter of the live study to be able to view the live study while it is ongoing and unobtrusively to the participating individuals. By "unobtrusively" it is meant that though the client may be viewing and signed into the live study as it is ongoing, his or her image is not seen by the participants (individuals) while the live study is ongoing so as not to interfere or distract the participants (individuals).

As also claimed by Applicant, the client is permitted to communicate with the moderator during the live study, but is prevented from communicating with the participating individuals.

As to claims 52-58, Ludwig fails to disclose a live market research or focus group study and would not be used for such purposes. Ludwig's participants are from the same organization and have a preexisting association with each other. Participants of a market research or focus group study are not required to have had and most likely do not have any prior association with each other.

The secondary references relied on by the Examiner fail to correct any of the above-noted deficiencies in Ludwig. Thus, even if the cited references could be combined, they still fail to teach Applicant's claimed invention. Applicant is also in the process of preparing a Rule 132 Declaration, which will be filed under separate cover, and which provides further support as to why Applicant's uniquely claimed invention is not obvious.

For the foregoing reasons, Applicant respectfully requests that the Examiner's rejections be withdrawn and all claims in the subject application be permitted to proceed to allowance.

Applicant has completely responded to the Office Action dated June 3, 2005. Favorable action is respectfully requested.

In re Application of: Frengut, Renee
Serial No. 09/883,590
Reply to Office action of June 3, 2005

Any additional charges, including Extensions of Time, please bill our Deposit
Account No. 503180.

Respectfully submitted,



Daniel S. Polley, Reg. No. 34,902
Daniel S. Polley, P.A.
1215 East Broward Boulevard
Ft. Lauderdale, FL 33301
(954) 234-2417

CUSTOMER NUMBER 44538

I:\1000\1017 Fregnut - EQR\Patent Amendments\8002(3rdAmend)